

REMARKS

The claims are claims 1 to 6.

Claims 1, 3, 4 and 6 were rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 4, 5 and 8 of U.S. Patent No. 7,328,076. Claims 1 and 4 were rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1 and 7 of U.S. Patent No. 6,982,377.

A TERMINAL DISCLAIMER is attached in this application relative to U.S. Patent Nos. 7,328,076 and 6,982,377. Accordingly, claims 1, 3, 4 and 6 are allowable over U.S. Patent Nos. 7,328,076 and 6,982,377.

Claims 1 and 4 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 and 4 of copending Application No. 10/739,677.

Claims 1 and 4 recite subject matter not made obvious by claims 1 and 4 copending Application No. 10/739,677. Claims 1 and 4 recite "calculating a cross-correlation $R[k]$ for index value k between overlapping frames for a range of overlaps between $S_s + k_{\min}$ to $S_s + k_{\max}$ for only a fixed length overlap region less than an entire overlapping region." The corresponding limitation in claims 1 and 4 of copending Application No. 10/739,677 is "calculating a measure of similarity between overlapping frames of the single audio signal for a range of overlaps between $S_s + k_{\min}$ to $S_s + k_{\max}$ of the single audio signal, where k_{\min} is a minimum overlap deviation and k_{\max} is a maximum overlap deviation." This application recites calculating the cross-correlation for less than the entire overlapping region while copending Application No. 10/739,677 requires the calculation of a measure of similarity over the whole overlap region between $S_s + k_{\min}$ to $S_s + k_{\max}$. Failure to limit the

calculation to less than the entire overlapping region means that copending Application No. 10/739,677 fails to make obvious this limitation. Accordingly, claims 1 and 4 are allowable over copending Application No. 10/739,677.

Claims 1 and 4 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 3 and 9 of copending Application No. 11/248,078.

Claims 1 and 4 recite subject matter not made obvious by claims 3 and 9 of copending Application No. 11/248,078. Claims 1 and 4 recite "calculating a cross-correlation $R[k]$ for index value k between overlapping frames for a range of overlaps between $S_s + k_{\min}$ to $S_s + k_{\max}$ for only a fixed length overlap region less than an entire overlapping region." The corresponding limitation in claims 3 and 9 of copending Application No. 11/248,078 is "calculating a measure of similarity between overlapping frames of each frequency band for a range of overlaps between $S_s + k_{\min}$ to $S_s + k_{\max}$ of the single audio signal, where k_{\min} is a minimum overlap deviation and k_{\max} is a maximum overlap deviation." This application recites calculating the cross-correlation for less than the entire overlapping region while copending Application No. 11/248,078 requires the calculation of a measure of similarity over the whole overlap region between $S_s + k_{\min}$ to $S_s + k_{\max}$. Failure to limit the calculation to less than the entire overlapping region means that copending Application No. 11/248,078 fails to make obvious this limitation. Accordingly, claims 1 and 4 are allowable over copending Application No. 11/248,078.

Claims 1 and 4 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 3 and 7 of copending Application No. 11/248,132.

Claims 1 and 4 recite subject matter not made obvious by claims 3 and 7 of copending Application No. 11/248,132. Claims 1 and 4 recite "calculating a cross-correlation $R[k]$ for index value k between overlapping frames for a range of overlaps between $S_s + k_{\min}$ to $S_s + k_{\max}$ for only a fixed length overlap region less than an entire overlapping region." The corresponding limitation in claims 3 and 7 of copending Application No. 11/248,132 is "calculating a measure of similarity between overlapping frames of each frequency band for a range of overlaps between $S_s + k_{\min}$ to $S_s + k_{\max}$ of the single audio signal, where k_{\min} is a minimum overlap deviation and k_{\max} is a maximum overlap deviation." This application recites calculating the cross-correlation for less than the entire overlapping region while copending Application No. 11/248,132 requires the calculation of a measure of similarity over the whole overlap region between $S_s + k_{\min}$ to $S_s + k_{\max}$. Failure to limit the calculation to less than the entire overlapping region means that copending Application No. 11/248,132 fails to make obvious this limitation. Accordingly, claims 1 and 4 are allowable over copending Application No. 11/248,132.

Claims 1 and 4 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 and 9 of copending Application No. 10/739,819.

Claims 1 and 4 recite subject matter not made obvious by claims 1 and 9 of copending Application No. 10/739,819. Claims 1 and 4 recite "calculating a cross-correlation $R[k]$ for index value k between overlapping frames for a range of overlaps between $S_s + k_{\min}$ to $S_s + k_{\max}$ for only a fixed length overlap region less than an entire overlapping region." The corresponding limitation in claims 1 and 9 of copending Application No. 10/739,819 is "calculating a measure of similarity between overlapping frames of each frequency band for a range of overlaps between $S_s + k_{\min}$ to

$S_{\text{e}} + k_{\text{max}}$ of the single audio signal, where k_{min} is a minimum overlap deviation and k_{max} is a maximum overlap deviation." This application recites calculating the cross-correlation for less than the entire overlapping region while copending Application No. 10/739,819 requires the calculation of a measure of similarity over the whole overlap region between $S_{\text{e}} + k_{\text{min}}$ to $S_{\text{e}} + k_{\text{max}}$. Failure to limit the calculation to less than the entire overlapping region means that copending Application No. 10/739,819 fails to make obvious this limitation. Accordingly, claims 1 and 4 are allowable over copending Application No. 10/739,819.

Claims 2 and 5 are allowed.

The Applicants respectfully submit that all the present claims are allowable for the reasons set forth above. Therefore early reconsideration and advance to issue are respectfully requested.

If the Examiner has any questions or other correspondence regarding this application, Applicants request that the Examiner contact Applicants' attorney at the below listed telephone number and address to facilitate prosecution.

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Respectfully submitted,

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